

and Knox County Charter, Sec. 6.01.A: “The exclusive management and control of the school system of Knox County... is vested in the Knox County Board of Education....”

RESPONSE: Admitted.

3. KCBOE’s purpose is to implement the state’s education system at the local level. [Hemmelgarn Deposition, p. 25, l. 4-13].

RESPONSE: Admitted.

4. In order to comply Tennessee Code Annotated § 49-6-310, KCBOE amended its interscholastic sports policy, I-171, to adopt the language set forth in subsection (a) of the statute. [Hemmelgarn Deposition, p. 97, l. 1-6].

RESPONSE: L.E. admits that KCBOE amended its interscholastic sports policy in response to Tenn. Code. Ann. §49-6-310. L.E. denies that KCBOE was required to amend its interscholastic sports policy in a manner that would preclude transgender student-athletes from participating on teams consistent with their gender identity even if the state law imposing such a requirement was no longer operative. *See* Dkt. 52 ¶82 (KCBOE’s revised I-171 Policy will remain operative unless affirmatively repealed, even if the underlying state law is no longer operative).

5. KCBOE’s purpose in amending the policy was to comply with state law. [*Id.*].

RESPONSE: L.E. admits, for purposes of summary judgment, that KCBOE claims that its purpose in amending the policy was to comply with state law.

6. KCBOE had no role in drafting, advocating, or passing Tennessee Code Annotated § 49-6-310. [*Id.*, p. 86-87].

RESPONSE: L.E. admits, for purposes of summary judgment, that KCBOE had no role in drafting, advocating, or passing Tennessee Code Annotated §49-6-310. L.E. denies that this fact is material.

7. A copy of KCBOE policy 1-171 is attached to Defendants' Motion for Summary Judgment as Exhibit B and was introduced as Exhibit 1 to Ms. Hemmelgarn's deposition. [Motion for Summary Judgment, Ex. B].

RESPONSE: Admitted.

8. Tennessee Code Annotated § 49-6-310 is mandatory on local education agencies like KCBOE. [Deposition of Penny Schwinn, p. 207, l. 2-13]

RESPONSE: Admitted.

9. The State Department of Education will review the policies adopted by the local education agency for compliance with this statute and that the statute requires each local board of education to adopt and enforce a policy in compliance with the statute. [Deposition of Sara Morrison., p. 108-109].

RESPONSE: Admitted.

10. Plaintiff L.E. is a high school student at Farragut High School, a school within the KCBOE school system. [Complaint, Doc. 1, ¶ 1].

RESPONSE: Admitted.

11. Plaintiff alleges that he is a transgender boy¹ and desires to play golf on the Farragut High School boys' golf team. [*Id.*, ¶ 81].

RESPONSE: Admitted.

12. L.E. alleges that Tennessee Code Annotated § 49-6-310 and KCBOE Policy 1-171 prevent him from playing on the golf team of his choice. [*Id.*, ¶ 83].

RESPONSE: Admitted.

13. L.E. has never tried out for any golf team at Farragut High School. [Deposition of L.E., p. 18-19].

RESPONSE: L.E. admits that he has never tried out for any golf team at Farragut High School. L.E. denies that this fact is material. *See Mays v. LaRose*, 951 F.3d 775, 782 (6th Cir. 2020) (“When doing so would be futile, Article III does not require plaintiffs to take actions simply to establish standing.”).

14. L.E. has never personally discussed playing golf with the Farragut golf coach, athletic director, principal, or other KCBOE staff member. [*Id.*, p. 39-40].

RESPONSE: L.E. admits that he himself has never discussed playing golf for the FHS boys' team with the FHS boys' golf coach, athletic director, principal, or other KCBOE staff member. L.E. denies that this fact is material.

¹ As alleged in the Complaint, “transgender boy” means a person who was assigned the sex of female of birth, but identifies as a boy. [Complaint, ¶ 74-75]

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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2022, a true and correct copy of the foregoing
was served on the below counsel for Defendants, via the Court's ECF/CM system.

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